

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

LANICA LATRICE RAY,

Plaintiff,

vs.

SALISH KOOTENAI COLLEGE,

Defendant.

Cause No. CV 19-134-M-DLC-KLD

FINDINGS AND  
RECOMMENDATION  
OF U.S. MAGISTRATE JUDGE

Plaintiff Ray brought this action under the Americans with Disabilities Act and other laws. *See* Compl. (Doc. 2) at 5 ¶ II.<sup>1</sup> She appeared to claim she should receive a refund for money she paid to attend classes at Salish Kootenai College in 2018. She also appeared to seek punitive damages. *See, e.g.,* State Court Compl. (Doc. 2-1 at 5, 9); Financial Aid Letter Jan. 5, 2018 (Doc. 2-1 at 34).

On November 7, 2019, the Court explained that Ray's complaint suffered from several deficiencies that might be cured by amendment. She was told "she will not be able to proceed unless she amends her complaint" and was required to

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<sup>1</sup> Ray also checked a box indicating a United States Government Defendant. She did not name a federal defendant.

file an amended complaint on or before November 27, 2019. *See* Order (Doc. 6) at

5. Ray did not respond to the Order.

For the reasons stated in the Order of November 7, Ray's complaint fails to state a claim on which relief may be granted.

Based on the foregoing, the Court enters the following:

### **RECOMMENDATION**

1. Ray's complaint should be DISMISSED for failure to state a claim on which relief might be granted.

2. The Court should CERTIFY, pursuant to Federal Rule of Appellate Procedure 24(a)(4)(B), that any appeal from this disposition would not be taken in good faith.

### **NOTICE OF RIGHT TO OBJECT TO FINDINGS & RECOMMENDATION AND CONSEQUENCES OF FAILURE TO OBJECT**

Ray may object to this Findings and Recommendation within 14 days. *See* 28 U.S.C. § 636(b)(1).<sup>2</sup> Failure to timely file written objections may bar a de novo determination by the district judge and/or waive the right to appeal.

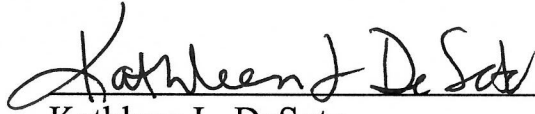
Ray must immediately advise the Court of any change in her mailing

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<sup>2</sup> This deadline allows a party to act within 14 days after the Findings and Recommendation is "served." Federal Rule of Civil Procedure 6(d) allows three additional days after the period would otherwise expire.

address. Failure to do so may result in dismissal of this action without notice to her.

DATED this 10<sup>th</sup> day of February, 2020.

  
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Kathleen L. DeSoto  
United States Magistrate Judge